

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:14-CV-00253-FDW-DCK

WESTERN OILFIELDS SUPPLY CO. )  
D/B/A RAIN FOR RENT, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
NATUREWORKS ORGANICS, LLC, )  
 )  
Defendant. )  
 )  
 )

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**ORDER**

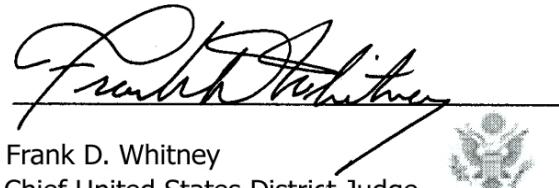
**THIS MATTER** is before the Court upon this Court's Order to show cause, (Doc No. 5), and Plaintiff's Response to the show cause Order. (Doc. No. 7). On July 31, 2014, this Court ordered Plaintiff to show cause why their Complaint should not be dismissed for a failure to prosecute by not moving for an entry of default after the deadline for Defendant to answer had long since passed. In their Response, Plaintiff asserts that the parties were engaged in settlement discussions and that Plaintiff had agreed to allow Defendant to file an answer 120 days after the Complaint was filed if a settlement was not reached. Contrary to Plaintiff's beliefs, however, the fact that the parties were engaged in settlement discussions did not convey to Plaintiff the power to unilaterally grant Defendant an extension of time to file an answer. Under Rule 6(b) of the Federal Rules of Civil Procedure only the Court may grant an extension of time to file a response. As no extension of time to file an answer was granted by this Court, no valid reason existed for Defendant not to file an answer within the 21 day deadline set by Federal Rule of Civil Procedure 12(a)(1)(A)(i). Likewise, as no valid reason existed for Defendant not to file an answer, no valid reason exists for Plaintiff not filing a motion for entry of default after the

deadline for Defendant to file an answer had passed. Accordingly, this Court finds that Plaintiff has failed to prosecute its case.

IT IS, THEREFORE, ORDERED that this case is DISMISSED WITHOUT PREJUDICE. The Clerk of Court is respectfully directed to close this case.

IT IS SO ORDERED.

Signed: August 15, 2014



Frank D. Whitney  
Chief United States District Judge

